



HYDRAULIC PROJECT APPROVAL

RCW 77.55.141 - See appeal process at end of HPA

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Issue Date: August 18, 2013
Project Expiration Date: August 17, 2018

Control Number: 128017-1
FPA/Public Notice #: N/A

PERMITTEE

City of Bainbridge Island
ATTENTION: Chris Hammer
280 Madison Avenue North
Bainbridge Island, WA 98110
206-780-3740
Fax: 206-780-3710

AUTHORIZED AGENT OR CONTRACTOR

Widener and Associates
ATTENTION: Ross Widener
10108 32nd Ave W, Ste D
Everett, WA 98204
425-348-3059

Project Name: Rockaway Beach Road Stabilization

Project Description: The project will stabilize 350 feet of eroded feeder bluff via installation of an approximately 310 foot sheet pile and/or soldier pile wall built slightly above the Mean Higher High Water Line (MHHWL) at the base of the feeder bluff. An engineered slope retention system will be installed for slope stabilization.

The stabilized slope will be planted with approved native vegetation. A native riparian planting plan and long term beach nourishment plan is in place to provide mitigation for the life of the project to mitigate some of the impacts associated with armoring.

PROVISIONS

1. Work may begin immediately and the initial armoring construction shall be completed by September 30, 2013, while beach nourishment may continue through August 15, 2018, provided:
 - a. Work below the ordinary high water line shall not occur at any time from March 1 through June 15 of any year for the protection of migrating juvenile salmonids.
 - b. Due to the lengthy spawning period of surf smelt in this portion of Puget Sound, work below the ordinary high water line from September 15 through December 31 and January 1 through March 31 of any year may be acceptable if a WDFW certified biologist using WDFW survey protocols confirms an absence of forage fish eggs during a site inspection. Work shall commence within 48 hours of notification to WDFW and shall be completed or the beach resurveyed within seven days of project commencement.
2. NOTIFICATION REQUIREMENT: The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below by fax (360) 876-1894, or e-mail: Chris.Waldbillig@dfw.wa.gov of the project start date. Notification shall be received by the AHB prior to the start of construction activities.
3. NOTIFICATION REQUIREMENT: Officer Balazs shall receive written notification (e-mail: Kenneth.Balazs@dfw.wa.gov or FAX: 360-876-1894) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting

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date for work or completion date of work, and the control number for this HPA.

4. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediately stop work except for efforts to control leaks or spills or prevent toxic substances from entering the water and notify the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below. Work shall not restart on the project until approved by the Area Habitat Biologist.

APPROVED PLANS:

5. The eelgrass bed that lies directly waterward of the new armoring shall be monitored for ten years post construction. The first survey shall be within one (1) year after the completion of construction and every other year, 2014, 2016, 2018, 2020, 2022. The survey shall be conducted at the same time of year as the original eelgrass survey was completed, late July to early August. The methods for determining any damage to the bed from construction related activities shall be as identified in the approved 'Rockaway Beach Eelgrass Survey Protocol 2013' received August 1, 2013. Should any loss of eelgrass be observed in the area in relation to the adjacent reference/control area, the City shall prepare and initiate a mitigation plan to address eelgrass loss, mitigation shall also require monitoring for ten years post to ensure success. The contingency plan shall be followed until the impact site has recovered to the 95% confidence interval of the control site.

6. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled 'ROCKAWAY BEACH ROAD STABILIZATION' -pages 1-25 and most recently dated June 27, 2013, except as modified by this Hydraulic Project Approval. A copy of these plans and this HPA shall be available on site during construction.

LONGTERM BEACH NOURISHMENT MITIGATION, EVALUATION, AND MONITORING:

7. Longterm beach nourishment mitigation shall be implemented and followed per contract #13-XXXX-01 recorded with WDFW Contracts office. The applicant shall be required to incorporate the beach nourishment plan following the provisions below:

a. In order to mitigate for the loss of beach sediment input as a result of the bulkhead installation, for the life of the project, the City of Bainbridge Island agrees to deposit the equivalent of ninety (90) cubic yards of appropriate beach nourishment per year as specified in the HPA (provision #8). Nourishment will include an initial placement of approximately 90 cubic yards (derived from on-site excavation at the toe of the slope) at the time of initial construction. Nourishment material will be monitored on a 5 year review basis when the City of Bainbridge Island applies for a new HPA to determine the adequacy of the mitigation plan.

b. Additional placement of sediment shall be placed yearly starting in 2014, 2015, 2016, 2017, and the final nourishment of this HPA placed in 2018. At no time shall more than (90) cubic yards of sediment be placed at one time during the life of the bulkhead nourishment without consultation

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and approval from WDFW.

c. Placement of beach nourishment between 2014 and 2018 shall be accomplished using an upland delivery system, commonly referred to as a shooter truck, or via other acceptable upland placement. As indicated above material shall be spread along the bulkhead in different areas each year. Care shall be taken not to damage the shoreline plants or mature Douglas fir trees. Should an alternative plan be required to deliver beach nourishment, the HPA shall be revised for the protection of fish life.

d. The City of Bainbridge Island agrees to apply for the applicable HPA every five years for the placement of the beach nourishment.

e. Within thirty days following the issuance of the HPA, the City of Bainbridge Island shall record at the Kitsap County Recorder's Office upon their property title a "Notice of HPA Conditions". The notice shall set forth the fact that the bulkhead upon the property is authorized by an HPA and subject to the HPA conditions, and shall identify the State of Washington Department of Fish and Wildlife Olympia Headquarters Office as the location where the HPA and its conditions may be reviewed.

f. Documentation of each beach nourishment placement shall be provided to the area habitat biologist immediately after placement. This shall include pre and post placement photos, reports of time the material remained on site, documentation of materials delivered, and any unexpected outcomes.

8. The beach waterward of the bulkhead shall be graveled with select material similar in composition to the on-site bank/bluff substrate or in compliance with the following specifications:

a. Sieve Size	Percent Passing by Weight
1-inch	100
1/2-inch	80 to 100
3/8-inch	40 to 80
less than 3/8-inch	0 to 40

b. Nourishment shall not contain silty or clay type soils.

c. Nourishment shall not be angular type rock, anthropogenic debris, or trash. Material containing these attributes excavated for project construction (footings) shall be removed from the beach and deposited at an approved landfill.

d. Nourishment shall be spread along the vertical wall bulkhead (+/-310 feet) and/or placed at different locations annually, from the face of the bulkhead waterward no further than the MHHW line where possible to allow for natural feeding of the drift cell. The depth shall increase toward the bulkhead face. Nourishment shall avoid damage to any existing marine vegetation beds.

e. Placement of approximately 90 cubic yards, shall occur at the time of project completion. Subsequent nourishment placement (volume and timing) shall follow the schedule outlined in the mitigation contract identified in provision #7.

f. Nourishment placement shall also be subject to provisions 1, 2, and 3 above.

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9. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, below the ordinary high water line (OHWL) in and around the applicant's project area shall be removed and deposited at an approved upland disposal site.

10. The access route through the former Pritchard Park East mitigation site shall be restored to pre-project conditions upon completion of project construction and first installment of mitigation nourishment. All quarry spall placed for access shall be removed, the beach berm restored, planted with native vegetation, and monitored to ensure survival for 3 years. The access path used by heavy equipment shall be roughened or raked with an excavator bucket to minimize compaction impacts.

11. Per mitigation in HPA #130863-1, all chemically treated wood and anthropogenic debris located between the access point and the south end of the project location shall be removed and disposed of above OHWL.

BULKHEAD CONSTRUCTION:

12. The waterward face of the vertical bulkhead shall be located as indicated in project plans, above the Mean Higher High Water Line and no more than 6 feet from the Ordinary High Water Line (OHWL).

13. Project activities shall not occur when the project area, including the work corridor, is inundated by tidal waters.

14. Materials for the bulkhead shall be composed of clean material of a sufficient durability and size to prevent its being broken up or washed away by high water or wave action.

15. The armoring shall be buried a minimum of 24 inches below the pre-project natural beach grade.

16. Bulkhead wing walls on the north and south end of the project shall tie into the existing rock bulkhead armoring.

17. Excavated materials containing debris, silt, clay, or other fine-grained soil shall not be stockpiled below the OHWL water line and shall be hauled off site for proper disposal.

18. If stockpiling of sand, gravel, and other coarse excavated material is conducted below the OHWL, it shall be placed within a 50-foot work corridor waterward of the base rocks.

19. Use of equipment on the beach shall be held to a minimum, confined to the access point, and limited to a 50-foot work corridor waterward of the base rocks. Construction materials shall not touch the beach outside this work corridor.

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20. All trenches, depressions, or holes created in the beach area shall be backfilled prior to inundation by tidal waters. Trenches excavated for base rocks may remain open during construction. However, fish shall be prevented from entering such trenches.

21. Any upland drainage tightlines shall be incorporated into the bulkhead near beach grade to prevent erosion of the shoreline.

PLANTING PLAN:

22. All exposed slopes shall be covered with natural fiber mesh, shall be hydro-seeded with native seed, and/or shall be re-vegetated with natural vegetation immediately following installation of the new bulkhead. The entire disturbed area shall be re-vegetated following the approved planting plan and planting details.

The approved plants shall be used or an appropriate native substitute approved by WDFW.

Planting shall be completed within 30 days of bulkhead completion. Plants may be in bunches, at a maximum interval of three feet (on center), or as recommended by a nursery specialist, and maintained as necessary for a minimum of three years to ensure 80 percent survival, at which point the buffer is protected under the Critical Areas Ordinance in perpetuity.

23. Removal or destruction of existing overhanging bankline vegetation shall be limited to that necessary for the construction of the project. Any loss of overhanging vegetation shall be replaced with appropriate vegetation that will provide immediate similar habitat functions, such as shade and leaf litter, as the removed vegetation was providing. Any large wood, coniferous or deciduous, removed from the bluff for construction of the wall shall be placed onto the beach for natural distribution to shorelines of Puget Sound.

WATER QUALITY:

24. Project activities shall be conducted to minimize siltation of the beach area and bed.

25. All debris or deleterious material resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.

26. No petroleum products or other deleterious materials shall enter surface waters.

27. Project activities shall not degrade water quality to the detriment of fish life.

HABITAT PROTECTION:

28. Eelgrass and kelp shall not be adversely impacted due to any project activities (e.g., equipment shall not operate, and other project activities shall not occur in eelgrass and kelp beds).

29. Intertidal wetland vascular plants, such as Pickleweed, shall not be adversely impacted due to project activities (e.g., equipment shall not operate, and other activities shall not occur in intertidal

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wetland vascular plants). Pickleweed may be relocated during construction, excavating the roots and placing at similar elevations. If such vegetation is adversely impacted, it shall be replaced using proven methodology.

30. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.

PROJECT LOCATIONS

Location #1 Rockaway Beach Road

WORK START: August 18, 2013				WORK END: August 17, 2018		
WRIA: 15.9100		Waterbody: Wria 15 Marine			Tributary to: Puget Sound	
1/4 SEC: NW 1/4	Section: 36	Township: 25 N	Range: 02 E	Latitude: N 47.61313	Longitude: W 122.49903	County: Kitsap
<u>Location #1 Driving Directions</u> From the Seattle-Bainbridge Island Ferry Terminal, proceed east onto Winslow Way E. Make a right on Madison Ave N then a left onto Wyatt Way NW. Continue for approximately one mile, until the end of the road, and make a left onto Eagle Harbor Dr NE. Follow Eagle Harbor Dr NE for approximately 2.5 miles. The project is located just south of the Eagle Harbor Dr NE/Rockaway Beach Rd NE/Creosote Place NE intersection.						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

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All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting a minor modification to an existing HPA. Include the HPA number and a description of the requested change and send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. Do not include payment with your request. You should allow up to 45 days for the department to process your request.

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you paid an application fee for your original HPA you must include payment of \$150 with your written request or request billing to an account previously established with the department. If you did not pay an application fee for the original HPA, no fee is required for a change to it. To request a major modification to your HPA, submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check number or billing account number, and a description of the requested change. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. If you are charging the fee to a billing account number or you are not subject to the fee, you may email your request to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

A. INFORMAL APPEALS: WAC 220-110-340 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you



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results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-110-350 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

ENFORCEMENT: Sergeant Jackson (29) P1E

Habitat Biologist
Chris Waldbillig

waldbcmw@dfw.wa.gov
360-874-7258

for Director
WDFW

CC: Alison O'Sullivan, Suquamish Indian Tribe (e-mail)
Linda Storm, EPA (e-mail)
Jerry Gregory, USACE Project Manager (e-mail)